

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO: 4:20-CV-00004-M

D. M. O., a minor,
through his Guardian Ad
Litem, TOSHA M. OVERTON,

Plaintiff,

v.

MICHAEL MICELLI, and
WALGREEN CO. d/b/a WALGREENS,

Defendants.

ORDER


This matter is before the Court on Plaintiff's response [DE-28] to this Court's January 22, 2020, Order [DE-13]. In the Order, the Court observed that defendant Michael Micelli had filed a voluntary petition for bankruptcy in the United States Bankruptcy Court for the Northern District of New York and that an automatic stay was issued pursuant to 11 U.S.C. § 362. [DE-13]; *see In re Michael A. Micelli*, No. 19-30958-MCR (Bankr. N.D.N.Y. 2019). The Court stayed this proceeding as to defendant Micelli and directed defendants to notify the Court within twenty (20) days of the resolution of the bankruptcy action.

In a Notice [DE-28] filed on March 27, 2020, Plaintiff informed this Court that they instead had sought relief from the automatic stay to pursue their state law claims against defendant Micelli and that the bankruptcy court had granted such relief to the extent Plaintiff may obtain only damages against defendant Micelli recoverable through available insurance proceeds.

Accordingly, the stay against defendant Micelli [DE-13] is LIFTED, and the action may

proceed against defendant Micelli as to any damages recoverable through available insurance proceeds.

So ordered this the 30th day of March, 2020.


RICHARD E. MYERS II
UNITED STATES DISTRICT JUDGE